



**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
*Two Gateway Center*  
*Newark, NJ 07102*

IN THE MATTER OF THE PETITION OF	)	<u>CABLE TELEVISION</u>
CABLEVISION OF OAKLAND, INC. FOR	)	
RENEWAL OF A CERTIFICATE OF APPROVAL	)	<u>ORDER OF AMENDMENT</u>
TO CONTINUE TO OPERATE AND MAINTAIN	)	<u>OF A RENEWAL</u>
A CABLE TELEVISION SYSTEM IN THE	)	<u>CERTIFICATE OF APPROVAL</u>
BOROUGH OF OAKLAND, COUNTY OF	)	
BERGEN, STATE OF NEW JERSEY	)	DOCKET NO. CE01110774
		DOCKET NO. CE96050391

Schenck, Price, Smith & King, Morristown, New Jersey, by James Eric Andrews, Esq., for the Petitioner.

Borough Clerk, Borough of Oakland, New Jersey, by Lenore Tully, for the Borough.

BY THE BOARD<sup>1</sup>:

On September 6, 1996, the Board granted a Renewal Certificate of Approval to TCI of Northern New Jersey, Inc. ("TCINNJ") for the Borough of Oakland ("Borough"), in Docket No. CE96050391. The expiration date as specified in that order is April 3, 2006. On December 17, 1997, the Board approved the transfer of the Certificate of Approval for the Borough from TCINNJ, Inc. to Cablevision of Oakland, Inc. ("Petitioner"), in Docket No. CF97090674.

The Petitioner and the Borough entered into negotiations regarding amendments to the municipal consent ordinance granted by the Borough and the Renewal Certificate of Approval issued to the Petitioner's predecessor. The Borough requested that the Petitioner: a) replace certain public, educational and governmental ("PEG") access equipment; b) provide complimentary Internet services to the Borough, public schools and libraries; and c) grant a parity clause for senior citizens discounts.

The Petitioner agreed to the amendment of the municipal consent ordinance in return for: a) a three year extension of the franchise; and b) language regarding competitive equity.

On July 25, 2001, the Borough adopted an ordinance amending its municipal consent ordinance of April 12, 1996. On August 30, 2001, the Petitioner accepted the ordinance. On November 20, 2001, the Petitioner filed a petition for Amendment of the Certificate of Approval, pursuant to N.J.S.A. 48:5A-47 and N.J.A.C. 14:17-6.7. In its petition, the Petitioner requested that the Board approve an amendment to the municipal consent upon which the Renewal Certificate of Approval was based.

The Board has reviewed the petition for Amendment of the Certificate of Approval and the

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<sup>1</sup> Commissioner Carol J. Murphy did not participate in the deliberations or vote on this matter.

amended municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board HEREBY FINDS the following:

1. The franchise term granted to the Petitioner is herein extended for a period of three years, and will expire on April 3, 2009. The Board finds this to be reasonable.
2. When high-speed Internet access via cable modem is commercially available to residents in the Borough, the Petitioner shall provide the Borough, free of charge, with one high-speed cable modem and monthly Internet access, including standard installation, to one municipally owned designated building. The Borough shall be permitted to network up to three additional personal computer terminals within the designated building at its own cost. In addition, when high-speed Internet access via cable modem is commercially available to residents in the Borough, the Petitioner shall provide, free of charge, one high-speed cable modem and monthly Internet access, including standard installation, to each public school and municipal library in the Borough.
3. If the Petitioner implements a senior citizen discount program, then that program shall be available to all eligible customers within the Borough. Eligibility is determined by the income and residency requirements of the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program.
4. The Petitioner shall purchase, at a cost not to exceed \$30,000.00, PEG access equipment for the Borough.

Therefore, the Petitioner is HEREBY ISSUED this Amendment to the Renewal Certificate of Approval as evidence of the Petitioner's authority to construct, operate and maintain a cable television system in the Borough. The Amendment shall not affect any of the remaining terms and conditions of the Certificate of Approval issued by the Board in its grant of operating authority. This Amendment to the Renewal Certificate of Approval is subject to all applicable state and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein.

The Petitioner shall adhere to the operating standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. Section 76.1 et seq. Any modifications to the provisions thereof, shall be incorporated into the Amendment to the Renewal Certificate of Approval. Additionally, and more specifically, the Petitioner shall adhere to the technical standards of 47 C.F.R. Part 76, Subpart K.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or Office of Cable Television and/or the terms, conditions and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of the Certificate issued by the Board.

This Amendment to the Renewal Certificate of Approval is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

The Amended Renewal Certificate of Approval shall now expire on April 3, 2009.

DATED: February 20, 2002

BOARD OF PUBLIC UTILITIES  
BY:

(signed)

JEANNE M. FOX  
ACTING PRESIDENT

(signed)

FREDERICK F. BUTLER  
COMMISSIONER

(signed)

CONNIE O. HUGHES  
COMMISSIONER

ATTEST:

(signed)

HENRY M. OGDEN  
ACTING BOARD SECRETARY